

FOUR CONDITIONS FOR SOLICITING **BY SEALED BIDDING**

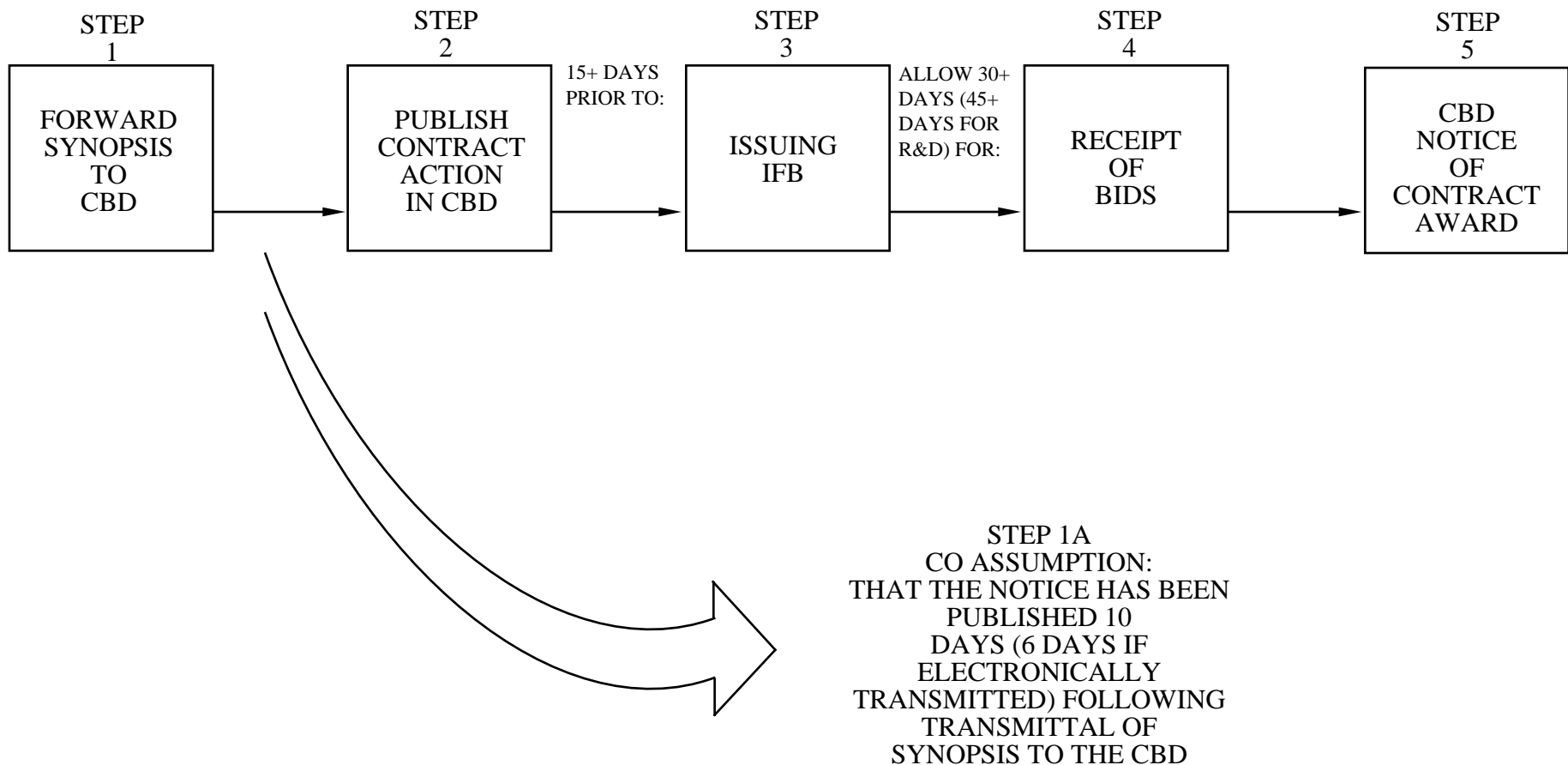
- **Adequate time**
- **Consider price and price-related factors**
- **Discussions not necessary**
- **Expectation of adequate competition**

CIRCUMSTANCES UNDER WHICH A SYNOPSIS IS REQUIRED

If the proposed contract action is:

- **Expected to exceed \$25,000**
 - contract award**
 - contract modification**
- **An effort to locate private commercial sources for cost comparison**
- **Any dollar amount and would be advantageous to the Government**

PUBLICATION REQUIREMENTS IN THE CBD



TIME REQUIREMENTS USING

A CALENDAR

1989

FEBRUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- Feb 1:** Send synopsis to CBD by electronic means.
- Feb 7:** Assume that synopsis has been published
- Feb 22:** Issue the IFB
- Mar 24:** Bid opening date and due date

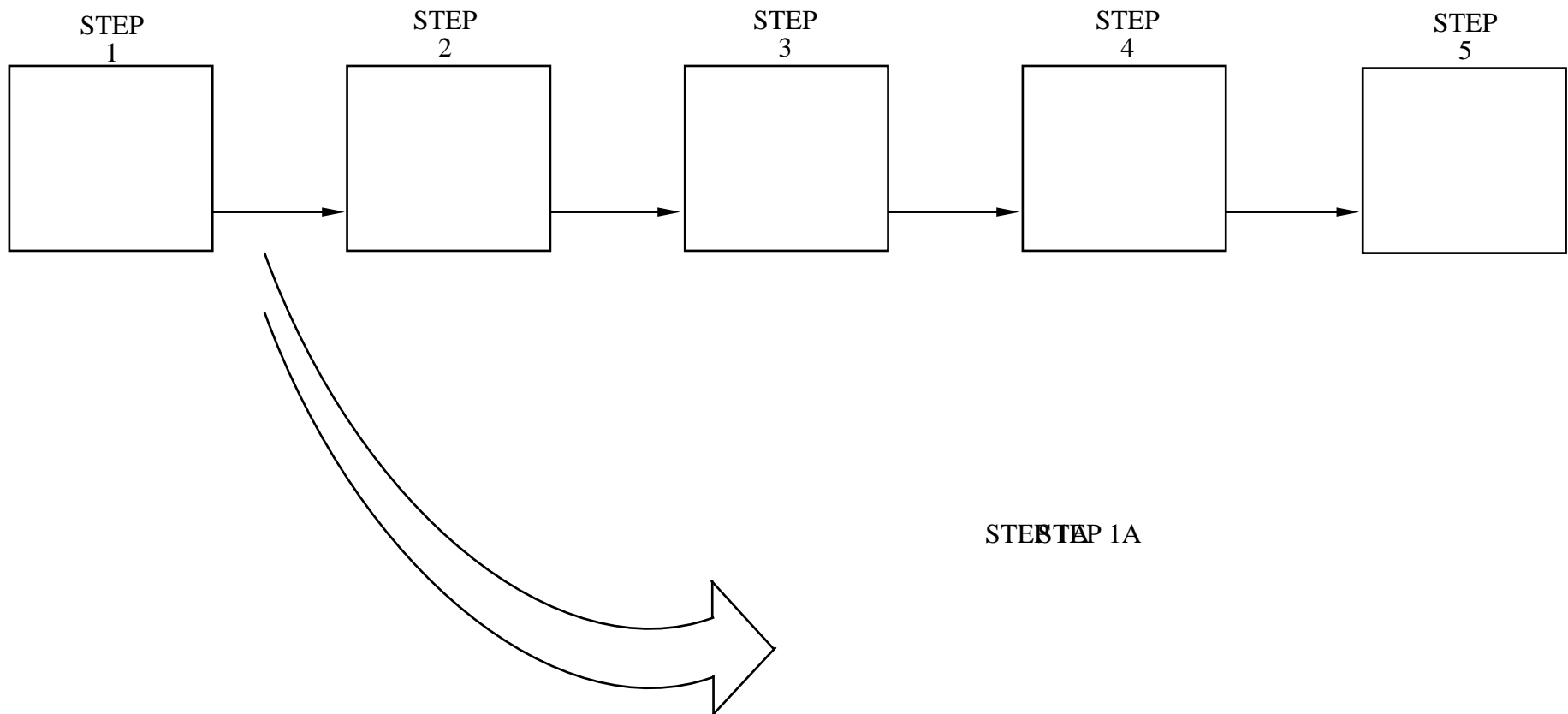
GENERAL INFORMATION THAT CAN BE RELEASED

- **The meaning of a standard clause or provision**
- **Directions to the bid opening location**
- **Where to obtain copies of specifications**
- **Who can attend the bid opening**

INFORMATION NOT TO BE RELEASED

- **Additional Specification information**
- **A clarification or interpretation**
- **Acceptability of an alternate item**
- **Proprietary data**
- **Government Cost Estimate**
- **Info on another bidder's responsibility**
- **Number and names of bidders**

PUBLICATION REQUIREMENTS IN THE CBD



PREPARING THE SF 30

Be sure to:

- **Include the IFB and amendment number.**
- **Indicate whether or not bid opening is extended.**
- **Show the new date and time set for bid opening.**

PREPARING THE SF 30 (con't)

Be sure to:

- **Show what the amendment does to the IFB.**
- **Put all changes under the appropriate UCF heading.**
- **Attach any new specifications, drawings, etc.**

INCLUDE IN THE CANCELLATION NOTICE

- **The IFB number**
- **A brief description of the supplies/services cancelled.**
- **Reasons for cancellation.**
- **A statement that the addressee will be given the opportunity to bid on any future requirements.**

NEGOTIATING IFB's **AFTER BID OPENING**

If authorized in written determination when:

- **No responsive/responsible bids received**
- **Only one bid received and price reasonableness cannot be determined**
- **ALL BIDS are at unreasonable prices**
- **Bids not independently arrived at**

FIRM-BID RULE

A bid remains in competition until expiration of the acceptance period or rejection of the bid.

LATE BIDS

(FAR 14.304-4)

Document a late bid with:

- **A statement of the date, hour of mailing, filing, or delivery**
- **A statement of the date and hour of receipt**

LATE BIDS (con't)

Document a late bid with:

- **The determination, including supporting facts, as to whether or not the late bids were considered**
- **A statement of the disposition of the late bid**
- **The envelope, or other covering, if the late bid was considered for award**

BUY AMERICA ACT CRITERIA

(FAR 25.102)

- **Provides for the use of domestic end products**
- **To qualify as a domestic end product, the product must be:**
 - **Unmanufactured, mined or produced in the U.S.**
 - **Manufactured in the U.S., if the cost of its components mined, produced, or manufactured in the U.S. exceeds 50% of the cost of all its components**

EXCEPTIONS TO THE BUY AMERICAN ACT (FAR 25.108)

- **Supplies purchased for use outside of the U.S.**
- **Unreasonable cost of the domestic end product**
- **Product is not mined, produced, manufactured in the U.S. in sufficient and reasonably available quantities or satisfactory quality**
- **Purchasing in the U.S. would not be consistent with the public's best interest**
- **Commissary resale**

DECISION TABLE ON **REASONABLENESS OF BID PRICES**

<u>CONDITION</u>	<u>ACTION</u>
If the price is:	Then:
Reasonable	<div> <div>▷</div> <div>Determine whether the bid is from a responsible bidder (See Chapter 7)</div> </div>
Unreasonably low	<div> <div>▷</div> <div>Determine whether there has been a mistake in bid (See Chapter 6)</div> </div>
Unreasonably high	<div> <div>▷</div> <div>Reject all bids and cancel the IFB (See Chapter 4)</div> </div>

FAIR AND REASONABLE PRICES

What is a fair and reasonable price?

- **Competition exists**
- **Price acceptable to the buyer**
- **Price acceptable to the seller**

PRICE ANALYSIS TECHNIQUE

- **Compare bid prices received in response to the IFB**
- **Compare prior proposed prices and contract prices for similar items**
- **Compare competitive published price lists**
- **Compare proposed prices with Government price estimates**
- **Compare "yardstick" evaluations**

EXAMPLES OF TYPES OF CLERICAL MISTAKES

- **Obvious misplacement of a decimal point**
- **Obvious incorrect discounts**
- **Obvious reversal of the price.**
- **Obvious mistake in designation of unit**

VERIFICATION OF BIDS

- **If you suspect an error, identify it to the bidder**
- **If you cannot point out a specific error, explain to bidder why he/she should verify the bid**
- **NEVER suggest a specific rewrite or correction**

BASIS FOR SUSPECTING A MISTAKE

Advise the bidder, as appropriate:

- **About how low his/her bid as compared to others;**
- **Of important or unusual characteristics of the specifications;**
- **Of changes in requirements from previous purchases; or**
- **Of other data proper for disclosure**

INSTRUCTIONS FOR BIDDERS **WHO ALLEGE MISTAKES**

- **Alleged mistakes must be in writing**
- **Request withdrawal or correction of the bid**

INSTRUCTIONS FOR BIDDERS

WHO ALLEGE MISTAKES (con't)

- **Submit any necessary evidence of the mistake to include:**
 - **Certified copies of worksheets**
 - **Copies of subcontractor and supplier quotes**
 - **Published price lists**
 - **Comparison of line items**

GENERAL STANDARDS

A prospective contractor is responsible if it:

- Is qualified or eligible to receive an award.**
- Has a satisfactory record of performance.**
- Has the necessary organization, experience, accounting and operational controls, and technical skills.**

GENERAL STANDARDS (continued)

A prospective contractor is responsible if it:

- **Has the necessary production, construction, and technical equipment and facilities.**
- **Has adequate financial resources.**
- **Is able to comply with the delivery schedule.**
- **Has a satisfactory record of integrity.**

SMALL BUSINESS RESPONSIBILITY

If Small Business is nonresponsive, CO will:

- **Withhold contract award; and**
- **Refer the matter to the SBA Regional Office ,
except if the small business concern is:**
 - **Unqualified and ineligible**
 - **On the "List"**

SBA ACTIONS CONCERNING **NONRESPONSIBILITY**

- **Inform the small business concern of the nonresponsibility determination and the opportunity to apply for a COC.**
- **Upon receipt of the application, send an SBA team to visit the concern.**
- **If a COC is recommended, provide advance notice of the proposed action to the CO.**

JUDGEMENT DECISIONS IN SEALED BIDDING

- **Responsiveness**
- **Mistakes**
- **Competition**
- **Reasonable Price**
- **Responsibility**

CO RESPONSIBILITIES IN SELECTION **FOR AWARD**

- **All requirements of law, executive orders, regulations have been met.**
- **Multiple award and equal bid procedures have been handled correctly.**
- **Sufficient funds are available for obligation.**

REASONS FOR FILE DOCUMENTATION

- **Supports the award decision**
- **Confirms required clearances or approvals obtained**
- **Defends against protests**
- **Confirms compliance with regulations.**

CONTRACT DISTRIBUTION

- **The contractor (awardee)**
- **Finance and accounting**
- **Contract administration (if appropriate)**
- **The official contract file**
- **Other offices as prescribed**

POSTAWARD NOTIFICATIONS

- **Notify unsuccessful bidders.**
- **When award is made to other than the low bidder, state the reason for rejection in the notice.**

INFORMATION PROVIDED TO BIDDERS **UPON REQUEST**

- **Name and address of the successful bidder**
- **The contract price**
- **The location where a copy of the abstract of bids is available for inspection**